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Attorneys for Plaintiff Farley Willis Rossiter

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

FARLEY WILLIS ROSSITER,)	Case No.:
)	
Plaintiff,)	
)	
v.)	SEAMAN’S COMPLAINT <i>IN</i>
)	<i>PERSONAM</i> AND <i>IN REM</i> FOR
)	DAMAGES FOR PERSONAL
)	INJURIES, MAINTENANCE AND
PERESTROIKA, INC., an Alaska)	CURE AND WAGES AND JURY
Corporation; and F/V TANUSHA, Official)	DEMAND
No. 1096566, including all her)	
appurtenances,)	
)	
Defendants.)	
)	

Plaintiff hereby states and alleges as follows:

Rossiter v. Perestroika, Inc.
SEAMAN’S COMPLAINT *IN PERSONAM* AND *IN REM* FOR DAMAGES FOR PERSONAL INJURIES,
MAINTENANCE AND CURE AND WAGES AND JURY DEMAND
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I. PARTIES

1.1 Plaintiff, FARLEY WILLIS ROSSITER is a seaman and brings this action under admiralty and maritime law as modified by the Jones Act 46 U.S.C. §§ 30104 and 30105, and pursuant to the provisions of 28 U.S.C. §1916 without prepayment of fees and costs and without deposit of security therefor.

1.2 Defendant, PERESTROIKA INC., was at all times material, an Alaska corporation, existing according to law and doing business in Kodiak, Alaska, conducting business in the District of Alaska.

1.3 At all times mentioned herein, the *F/V TANUSHA*, Official No. 1096566 was an American flag fishing vessel operating upon the navigable waters of the United States and the high seas.

1.4 At all times material, PERESTROIKA INC. was the owner and operator of the *F/V TANUSHA* and employed Plaintiff as a member of the crew.

1.5 At all times mentioned herein the *F/V TANUSHA* was manned, operated, maintained and controlled by defendant PERESTROIKA INC.

1.6 The defendant vessel is now, or during the pendency of this case will be within this district and within the jurisdiction of this Court.

II. JURISDICTION

2.1 This is an action by a seaman against his employer and the owner/operator of the vessel for injuries sustained in the course and scope of Plaintiff's employment.

2.2 Jurisdiction is vested in this Court under the Jones Act, 46 U.S.C. §§ 30104 and 30105 and general maritime law.

III. FACTS

3.1 On or about September 30, 2011, the *TANUSHA* was in the navigable waters of the United States and the Plaintiff was in the course and scope of his employment with PERESTROIKA INC.

3.2 On or about September 30, 2011, the *TANUSHA* was fishing for cod using pots, and the Plaintiff was working as a deckhand.

3.3 The Plaintiff was seriously injured when the negligent conduct, faulty equipment or mistakes on the part of the other crewmembers and the captain caused serious injury by pulling him into the hydraulic block.

IV. LIABILITY

4.1 On or about September 30, 2011, while working as a crewmember aboard the *TANUSHA*, in navigable waters, as a direct and proximate result of the unseaworthiness of the *TANUSHA* and Defendant's negligence caused compound fractures to both lower left leg bones (tibia and fibula), which ultimately led to infection, non-union of bone, multiple surgeries, and permanent disability.

4.2 Defendant was negligent as were the officers, agents and employees acting on its behalf for the following reasons and others:

- a. Negligent orders, instructions and assignment of duties;
- b. Failing to warn of known dangers, and/or dangerous conditions;
- c. Failing to provide adequate training and supervision;
- d. Failing to provide a safe workplace and/or unsafe work practices;
- e. Failure to provide adequate and/or prompt medical treatment;
- f. Failure to consider Plaintiff's physical limitations in assigning duties;

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- g. Failing to provide adequate safety equipment; and
- h. Committing other acts deemed negligent.

4.3 On or about the date in question, the *TANUSHA* was unseaworthy at the time and place of the Plaintiffs injuries and was not reasonably fit for the following reasons and others:

- a. Defective or insufficient safety equipment, clothing or gear;
- b. Unsafe method of work;
- c. Pervasive operational negligence and/or negligent orders;
- d. Improper method of operation and/or unsafe procedures;
- e. Incompetent or inadequate crew and/or inadequate training;
- f. Failing to warn of danger; and
- g. Other conditions constituting unseaworthiness.

4.4 The damages sought by Plaintiffs are described below.

V. DAMAGES

5.1 Plaintiff re-alleges and incorporates by reference all prior paragraphs above as though fully set forth herein.

5.2 As a direct and proximate result of the unseaworthiness of the *TANUSHA* and Defendant's negligence, Plaintiff sustained serious permanent injuries:

- a. Physical and mental pain and suffering;
- b. Loss of past and future earnings and income;
- c. Medical expenses, past and future;
- d. Maintenance, cure and unearned wages according to proof; and
- e. For prejudgment interest according to general maritime law.

VI. REQUEST FOR RELIEF

WHEREFORE, based on all allegations stated above, Plaintiff named herein seeks damages against Defendant in an amount to be determined by the presentation of evidence at the time of trial, together with taxable costs, pre-judgment interest, reasonable attorney's fees and any such other relief that the Court deems equitable and just.

DATED this 2nd day of September, 2014.

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PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES IN THIS CAUSE